

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OLLNOVA TECHNOLOGIES
LIMITED,

Plaintiff,

v.

ECOBEE TECHNOLOGIES ULC
d/b/a ECOBEE,

Defendant.

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CIVIL ACTION NO. 2:22-CV-00072-JRG

VERDICT FORM

In answering the following questions and completing this Verdict Form, you are to follow all the instructions that I have given you in the Court's Final Jury Instructions. Your answers to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Final Jury Instructions. You should refer to and consider the Final Jury Instructions as you answer the questions in this Verdict Form.

As used in this Verdict Form, the following terms have the following meanings:

- **“Ollnova”** refers to Ollnova Technologies Ltd.
- **“ecobee”** refers to ecobee Technologies, ULC d/b/a ecobee
- **The “’887 Patent”** refers to U.S. Patent No. 7,746,887
- **The “’495 Patent”** refers to U.S. Patent No. 7,860,495
- **The “’282 Patent”** refers to U.S. Patent No. 8,224,282
- **The “’371 Patent”** refers to U.S. Patent No. 8,264,371
- The **“Asserted Patents”** refers collectively to the ’887 Patent, the ’495 Patent, the ’282 Patent, and the ’371 Patent.
- The **“Asserted Claims”** refers collectively to Claims 1, 11, 12 and 20 of the ’887 Patent; Claims 1 and 2 of the ’495 Patent; Claims 1, 3, 6, and 21 of the ’282 Patent; and Claims 1, 5, and 17 of the ’371 Patent.

**IT IS VERY IMPORTANT THAT YOU FOLLOW THE
INSTRUCTIONS PROVIDED IN THIS VERDICT FORM**

**READ THEM CAREFULLY AND ENSURE THAT YOUR VERDICT
COMPLIES WITH THEM**

QUESTION NO. 1

Did Ollnova, the Plaintiff, prove by a preponderance of the evidence that ecobee, the Defendant, infringed ANY of the Asserted Claims of the Asserted Patents?

Yes: ✓ OR No: _____

QUESTION NO. 2

Did ecobee prove by clear and convincing evidence that the limitations of the asserted claims of the '495 Patent, when taken individually or when taken as an ordered combination, involve only technology which a person of ordinary skill in the art would have considered to be well-understood, routine, and conventional as of April 9, 2004?

Yes: _____

OR

No:  _____

QUESTION NO. 3

Did ecobee prove by clear and convincing evidence that **ANY** of the following
Asserted Claims are invalid as either being anticipated or obvious in light of
the prior art?

'495 patent

Claim 1 of the '495 Patent: Yes: _____ No: ✓

Claim 2 of the '495 Patent: Yes: _____ No: ✓

'282 patent

Claim 1 of the '282 Patent: Yes: ✓ No: _____

Claim 3 of the '282 Patent: Yes: ✓ No: _____

Claim 6 of the '282 Patent: Yes: ✓ No: _____

Claim 21 of the '282 Patent: Yes: ✓ No: _____

If you answered NO on Question No.1, then DO NOT answer Question No. 4.

Answer Question No. 4 ONLY as to any Asserted Claim that you have found to be infringed (see Question No. 1), AND not ineligible (see Question No. 2), AND not invalid (see Question No. 3).

QUESTION NO. 4a:

What sum of money, if paid now in cash, has Ollnova proven by a preponderance of the evidence would compensate Ollnova for its damages resulting from infringement?

Answer in United States Dollars and Cents, if any:

\$ 11,500,000.00

QUESTION NO. 4b:

Is the total amount of the reasonable royalty that you found in Question No. 4a a running royalty for past sales only or a one-time lump sum for past and future sales?

A running royalty for accused product sales through September 2023 _____

OR

A lump sum royalty for the life of the patents ✓

QUESTION 4 CONTINUES ON THE NEXT PAGE

QUESTION NO. 4c:

Answer Question No. 4c below ONLY IF you have found in Question No. 4b that the damages awarded to Ollnova take the form of a “running royalty”.

Did the damages period reflected in your award in Question No. 4a above begin on March 8, 2016, or March 21, 2022?

_____ March 8, 2016 OR _____ March 21, 2022

FINAL PAGE OF THE JURY VERDICT FORM

You have now reached the end of the Verdict Form and should review it to ensure that it accurately reflects your unanimous determinations. The Jury Foreperson should then sign and date the Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The Jury Foreperson should keep the Verdict Form and bring it when the jury is brought back into the courtroom.

Signed this 5 day of October, 2023.


Jury Foreperson